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EXAMINER

SHAIKH, MOHAMMAD Z

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/567,957	<b>Applicant(s)</b> FAJARDO, ALFREDO C.	
	<b>Examiner</b> MOHAMMAD Z. SHAIKH	<b>Art Unit</b> 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2/10/06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/10/06</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections-35 U.S.C § 101*

#### **Double Patenting Rejection**

1. Claim 26&31 are being objected to under 37 CFR 1.75 as being a substantial duplicate of claim 1. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Applicant is advised to make the necessary corrections.

#### Claim 1:

A system for facilitating payment via a communications network using value accredited to a customer of an operator of the communications network, the system comprising: a first communications device owned and/or operated by the customer, the first communications device operable via the communications network; a payment facilitator; a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the payment facilitator having at least one account recorded with the billing system; and a recipient, where, when the payments facilitator receives a communications message from the customer, the communications message being sent by means of the first communications device, the payments facilitator operates to instruct the billing system to debit an amount to be paid to the recipient from the customer's at least one account and operates to instruct the billing system to credit the amount to be paid to the recipient to the payments facilitator's at least one account and, wherein, the payments facilitator then operates to make a payment to the recipient equal to the amount to be paid.

#### Claim 26:

A payments facilitator for use within a system for facilitating payment via a communications network using value accredited to a customer of an operator of the communications network, the system comprising: a first communications device owned and/or operated by the customer, the first communications device operable via the communications network; a recipient; and a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the payment facilitator having at least one account recorded with the billing system, where the payments facilitator, upon receipt of a communications message from the customer, the communications message being sent by means of the first communications device, operates to instruct the billing system to debit an amount to be paid to the recipient from the customer's at least one account; operates to instruct the billing system to credit the amount to be paid to the recipient to the payment facilitator's at least one account; and operates to make a payment to the recipient equal to the amount to be paid.

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Claim 31:

A payments facilitator for use in a system for facilitating payment via a communications network using value accredited to a customer of an operator of the communications network, the system comprising: a first communications device owned and/or operated by the customer, the first communications device operable via the communications network; a recipient; and a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the recipient having at least one account recorded with the billing system, where the payments facilitator, upon receipt of a communications message from the customer, the communications message being sent by means of the first communications device, operates to communicate with the recipient to specify an amount to be transferred and, thereafter, operates to instruct the billing system to debit the specified amount from the customer's at least one account and operates to instruct the billing system to credit the specified amount to the recipient's at least one account.

2. Claim 42 is being objected to under 37 CFR 1.75 as being a substantial duplicate of claim 18. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim 42:

A payments facilitator for use in a system for facilitating payment via a communications network using value accredited to a customer of an operator of the communications network, the system comprising: a first communications device owned and/or operated by the customer, the first communications device operable via the communications network; a recipient; and a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the recipient having at least one account recorded with the billing system, where the payments facilitator, upon receipt of a communications message from the customer, the communications message being sent by means of the first communications device, issues a command to the billing system representative of the customer having initiated a communication using the first

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communication device having a tariff rate closest to the amount to be paid to the recipient and issues a command to the billing system representative of the customer having made a payment to the communication network's operator equal to the amount to be paid to the recipient.

Claim 18:

.A system for facilitating payment via a communications network using value accredited to a customer of an operator of the communications network, the system comprising:

a first communications device owner and/or operated by the customer, the first communications device operable via the communications network;

a recipient;

a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the recipient having at least one account recorded with the billing system; and

a payments facilitator,

where, when the payments facilitator receives a communications message from the customer, the communications message being sent by means of the first communications device, the payments facilitator issues an instruction to the billing system in the form of a command representative of the customer having initiated a communication using the first communication device having a tariff rate closest to the amount to be paid to the recipient and operates to issue an instruction to the billing system in the form of a command representative of the recipient having made a payment to the operator equal to the amount to be paid to the recipient.

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Applicant is advised to make the necessary corrections.

*Claim Rejections- 35 U.S.C § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15,21-23,27-32,33-39,45-47,50-54,56-63,66-73,76-79 are being rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0147658 to Kwan in view of US 2001/0037254 to Glikman.

Regarding claim 1, Kwan discloses:

A system for facilitating payment via a communications network using value accredited to a customer of an operator of the communications network, the system comprising (claim 1).

A first communications device owned and/or operated by the customer, the first communications device operable via the communications network (paragraph 0019)

A payment facilitator (paragraph 0026);

However Kwan does not disclose a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the payment facilitator having at least one account recorded with the billing system; and a recipient. Glikman discloses a billing system operable to provide billing functions to the

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operator for use of the communications network, both the customer and the payment facilitator having at least one account recorded with the billing system; and a recipient (paragraph 0069, FIG 13: 910). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kwan's invention to include a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the payment facilitator having at least one account recorded with the billing system; and a recipient. One of ordinary skill in the art would have been motivated to include a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the payment facilitator having at least one account recorded with the billing system; and a recipient in order to ensure that all parts of the billing process are available on one network.

Kwan further discloses where, when the payments facilitator receives a communications message from the customer, the communications message being sent by means of the first communications device, the payments facilitator operates to instruct the billing system to debit an amount to be paid to the recipient from the customer's at least one account and operates to instruct the billing system to credit the amount to be paid to the recipient to the payments facilitator's at least one account and, wherein, the payments facilitator then operates to make a payment to the recipient equal to the amount to be paid (paragraphs: 0032,0041,0047,0048).

Regarding claim 2, Kwan discloses a system facilitating payment according to claim 1. Kwan further discloses where the communications message identifies a

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method of payment, the payments facilitator thereafter operable to make a payment to the recipient equal to the amount to be paid according to the identified method of payment (paragraph: 0012).

Regarding claim 3, Kwan discloses a system for facilitating payment according to claim 2. However Kwan does not disclose where the method of payment is one of the following: electronic transfer; cheque; legal tender. Glikman discloses where the method of payment is one of the following: electronic transfer; cheque; legal tender (paragraphs: 007, 009, and 0010). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kwan's invention to include the method of payment as one of the following: electronic transfer; cheque; legal tender. One of ordinary skill in the art would have been motivated to include the method of payment as one of the following: electronic transfer; cheque; legal tender in order to ensure that all types of payment are available to the user.

Regarding claim 4, Kwan discloses a system for facilitating payment according to any preceding claim, where the communications message identifies the amount to be paid to the recipient, the payments facilitator thereafter operable to debit the identified amount to be paid to the recipient from the customer's at least one account and operable to instruct the billing system to credit the identified amount to be paid to the recipient to the recipient's at least one account (paragraph 0012,0023,0041,0047,0048).

Regarding claim 5, Kwan discloses a system for facilitating payment according to any one of claims 1 to 3, where the payments facilitator receives the communications message via a destination address, the destination address associated with a



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predetermined amount to be paid to the recipient, wherein the payments facilitator thereafter operates to debit the predetermined amount to be paid to the recipient from the customer's at least one account. (paragraphs: 0026, 0032). However, Kwan does not disclose an operation to instruct the billing system to credit the predetermined amount to be paid to the recipient to the recipient's at least one account. Glikman discloses an operation to instruct the billing system to credit the predetermined amount to be paid to the recipient to the recipient's at least one account (paragraph 0069, Fig 13: 910). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kwan's invention to include an operation to instruct the billing system to credit the predetermined amount to be paid to the recipient to the recipient's at least one account. One of ordinary skill in the art would have been motivated to include an operation to instruct the billing system to credit the predetermined amount to be paid to the recipient to the recipient's at least one account in order to ensure that all parts of the billing process are available on one network.

Regarding claim 6, Kwan discloses:

A system for facilitating payment via a communications network using value accredited to a customer of an operator of the communications network, the system comprising (claim 1).

A first communications device owned and/or operated by the customer, the first communications device operable via the communications network; a recipient (paragraph 0019)

A payment facilitator (paragaraph 0026);

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However Kwan does not disclose a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the recipient having at least one account recorded with the billing system; and where, when the payments facilitator receives a communications message from the customer, the communications message being sent by means of the first communications device, the payments facilitator communicates with the recipient to specify an amount to be transferred and an operation to instruct the billing system to debit the specified amount from the customer's at least one account and operable to instruct the billing system to credit the specified amount to the recipient's at least one account. Glikman discloses a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the recipient having at least one account recorded with the billing system; and where, when the payments facilitator receives a communications message from the customer, the communications message being sent by means of the first communications device, the payments facilitator communicates with the recipient to specify an amount to be transferred and an operation to instruct the billing system to debit the specified amount from the customer's at least one account and operable to instruct the billing system to credit the specified amount to the recipient's at least one account (paragraph 0069, Fig 13: 910). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kwan's invention to include discloses a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the recipient having at least one account recorded with the billing system;

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and where, when the payments facilitator receives a communications message from the customer, the communications message being sent by means of the first communications device, the payments facilitator communicates with the recipient to specify an amount to be transferred and an operation to instruct the billing system to debit the specified amount from the customer's at least one account and operable to instruct the billing system to credit the specified amount to the recipient's at least one account. One of ordinary skill in the art would have been motivated to include disclosing a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the recipient having at least one account recorded with the billing system; and where, when the payments facilitator receives a communications message from the customer, the communications message being sent by means of the first communications device, the payments facilitator communicates with the recipient to specify an amount to be transferred and an operation to instruct the billing system to debit the specified amount from the customer's at least one account and operable to instruct the billing system to credit the specified amount to the recipient's at least one account in order to ensure that the entire payment process through the communications network runs efficiently. Kwan further discloses a payments facilitator (Fig 13: 910).

Regarding claim 7, Kwan discloses a system for facilitating payment according to claim 6, where the payments facilitator is operable to communicate with the customer to confirm that the amount specified by the recipient is an acceptable amount to be transferred and where, upon confirmation, the payments facilitator operates to instruct

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the billing system to debit the specified amount from the customer's at least one

account and operates to instruct the billing system to credit the specified amount to the recipient's at least one account (paragraphs: 0041,0047,0048).

Claim 8 is being rejected using the same rationale as claim 7.

Claim 9 is being rejected using the same rationale as claim 7.

Regarding claim 10, Kwan discloses a system for facilitating payment according to claim 7 or claim 9, where the payments facilitator communicates with the customer via a first communications message and the customer provides confirmation to the payments facilitator via a second communications message (paragraph 0012).

Claim 11 is being rejected using the same rationale as claim 10.

Claim 12 is being rejected using the same rationale as claim 10.

Regarding claim 13, Kwan discloses a system for facilitating payment according to any one of claims 7 or 9 to 12, where the customer is required to provide confirmation to the payments facilitator within a predetermined time period commencing from the time the payments facilitator communicates with the customer, the payments facilitator only operable to instruct the billing system to debit the specified amount from the customer's at least one account. (paragraphs: 0029,0035). However Kwan does not disclose an operation to instruct the billing system to credit the specified amount to the recipient's at least one account, upon receiving confirmation within the predetermined

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time period. Glikman discloses an operation to instruct the billing system to credit the specified amount to the recipient's at least one account, upon receiving confirmation within the predetermined time period (paragraph: 0069, Fig 13: 910). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kwan's invention to include an operation to instruct the billing system to credit the specified amount to the recipient's at least one account, upon receiving confirmation within the predetermined time period. One of ordinary skill in the art would have been motivated to include an operation to instruct the billing system to credit the specified amount to the recipient's at least one account, upon receiving confirmation within the predetermined time period in order to ensure that all parts of the billing process are available on one network.

Regarding claim 14, Kwan discloses a system for facilitating payment according to any one of claims 6 to 13, where the communications message identifies the recipient, the payments facilitator (paragraph 0012). Kwan does not disclose an operation to instruct the billing system to credit the amount to be paid to the recipient to the identified recipient's at least one account. Glikman discloses an operation to instruct the billing system to credit the amount to be paid to the recipient to the identified recipient's at least one account (paragraph 0069, Fig 13: 910). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kwan's invention to include an operation to instruct the billing system to credit the amount to be paid to the recipient to the identified recipient's at least one account. One of ordinary skill in the art would have been motivated to include an operation to instruct

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the billing system to credit the amount to be paid to the recipient to the identified recipient's at least one account in order to ensure that all parts of the billing process are available on one network.

Claim 15 is being rejected using the same rationale as claim 5.

Claim 21 is being rejected using the same rationale as claim 7.

Claim 22 is being rejected using the same rationale as claim 14.

Claim 23 is being rejected using the same rationale as claim 14.

Claim 27 is being rejected using the same rationale as claim 2.

Claim 28 is being rejected using the same rationale as claim 3.

Claim 29 is being rejected using the same rationale as claim 4.

Claim 30 is being rejected using the same rationale as claim 5.

Claim 32 is being rejected using the same rationale as claim 7.

Claim 33 is being rejected using the same rationale as claim 7.

Claim 34 is being rejected using the same rationale as claim 7.

Claim 35 is being rejected using the same rationale as claim 10.

Claim 36 is being rejected using the same rationale as claim 11.

Claim 37 is being rejected using the same rationale as claim 13.

Claim 38 is being rejected using the same rationale as claim 14.

Claim 39 is being rejected using the same rationale as claim 15.

Claim 45 is being rejected using the same rationale as claim 7.

Claim 46 is being rejected using the same rationale as claim 14.

Claim 47 is being rejected using the same rationale as claim 14.

Regarding claim 50, Kwan discloses a method of facilitating payment via a communications network using value accredited to a customer of the operator of the communications network, the method comprising the steps of ( claim1 ):

(a) receiving a communications message from the customer sent by means of a first communications device operable via the communications network( paragraph 0032).

However Kwan does not disclose (b) instructing a billing system operable to provide billing functions to the operator for use of the communications network to debit an amount to be paid to a recipient from the customer's at least one account recorded with the billing system; (d) instructing the billing system to credit the amount to be paid to the recipient to an account recorded with the billing system, the account being owned by a third party; and (e) arranging payment of the amount to be paid to be made by the third party to the recipient. Glickman discloses (b) instructing a billing system operable to provide billing functions to the operator for use of the communications network to debit an amount to be paid to a recipient from the customer's at least one account recorded with the billing system; (d) instructing the billing system to credit the amount to be paid to the recipient to an account recorded with the billing system, the account being owned

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by a third party; and (e) arranging payment of the amount to be paid to be made by the third party to the recipient (paragraphs: 0023,0041,0047,0048,0060). Therefore it would have been obvious to one of ordinary skill in the art to modify Kwan's invention to include a feature to instruct a billing system operable to provide billing functions to the operator for use of the communications network to debit an amount to be paid to a recipient from the customer's at least one account recorded with the billing system; instruct the billing system to credit the amount to be paid to the recipient to an account recorded with the billing system, the account being owned by a third party; and (e) arrange payment of the amount to be paid to be made by the third party to the recipient. One of ordinary skill in the art would have been motivated to include a feature to instruct a billing system operable to provide billing functions to the operator for use of the communications network to debit an amount to be paid to a recipient from the customer's at least one account recorded with the billing system; instruct the billing system to credit the amount to be paid to the recipient to an account recorded with the billing system, the account being owned by a third party; and (e) arrange payment of the amount to be paid to be made by the third party to the recipient in order to ensure that the entire payment process is performed as efficiently as possible.

Regarding claim 51, Kwan discloses a method according to claim 50 or claim 51. However Kwan does not disclose including the step of receiving details specifying the method of payment, step (e) then being performed in accordance with the specified method of payment. Glikman discloses the step of receiving details specifying the method of payment, step (e) then being performed in accordance with the specified



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method of payment (paragraphs: 007,009,0010). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kwan's invention to include the step of receiving details specifying the method of payment, step (e) then being performed in accordance with the specified method of payment. One of ordinary skill in the art would have been motivated to include the step of receiving details specifying the method of payment, step (e) then being performed in accordance with the specified method of payment in order to ensure that all types of payment are available to the user.

Claim 52 is being rejected using the same rationale as claim 3.

Claim 53 is being rejected using the same rationale as claim 5.

Regarding claim 54, Kwan teaches a method of facilitating payment via a communications network using value accredited to a customer of an operator of the communications network, the method comprising the steps of (claim 1).

(a) receiving a communications message from the customer sent by means of a first communications device operable via the communications network (paragraph 0032).

However Kwan does not teach (b) communicating with a recipient to specify the amount to be paid to the recipient; (c) instructing a billing system operable to provide billing functions to the operator of the communications network to debit an amount to be paid to the recipient from the customer's at least one account recorded with the billing system; and (d) instructing the billing system to credit the amount to be paid to the recipient to the recipient's at least one account recorded with the billing system. Glikman teaches communicating with a recipient to specify the amount to be paid to the

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recipient; (c) instructing a billing system operable to provide billing functions to the operator of the communications network to debit an amount to be paid to the recipient from the customer's at least one account recorded with the billing system; and (d) instructing the billing system to credit the amount to be paid to the recipient to the recipient's at least one account recorded with the billing system (claim 1; paragraphs: 0041,0047,0048). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kwan's invention to include (b) communicating with a recipient to specify the amount to be paid to the recipient; (c) instructing a billing system operable to provide billing functions to the operator of the communications network to debit an amount to be paid to the recipient from the customer's at least one account recorded with the billing system; and (d) instructing the billing system to credit the amount to be paid to the recipient to the recipient's at least one account recorded with the billing system. Glikman teaches communicating with a recipient to specify the amount to be paid to the recipient; (c) instructing a billing system operable to provide billing functions to the operator of the communications network to debit an amount to be paid to the recipient from the customer's at least one account recorded with the billing system; and (d) instructing the billing system to credit the amount to be paid to the recipient to the recipient's at least one account recorded with the billing system. One of ordinary skill in the art would have been motivated to include (b) communicating with a recipient to specify the amount to be paid to the recipient; (c) instructing a billing system operable to provide billing functions to the operator of the communications network to debit an amount to be paid to the recipient from the customer's at least one

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account recorded with the billing system; and (d) instructing the billing system to credit the amount to be paid to the recipient to the recipient's at least one account recorded with the billing system. Glikman teaches communicating with a recipient to specify the amount to be paid to the recipient; (c) instructing a billing system operable to provide billing functions to the operator of the communications network to debit an amount to be paid to the recipient from the customer's at least one account recorded with the billing system; and (d) instructing the billing system to credit the amount to be paid to the recipient to the recipient's at least one account recorded with the billing system in order to ensure that the entire payment process runs efficiently.

Claim 55 is being rejected using the same rationale as claim 7.

Regarding claim 56, Kwan discloses a method according to claim 54 or claim 55, including the step of receiving details from the recipient specifying the recipient's at least one account with the billing system to which the amount to be paid to the recipient is to be paid to, step (d) then operating to make payment to the recipient's specified at least one account (paragraphs: 0032, 0041, 0047, 0048).

Regarding claim 57, Kwan discloses including the step of communicating with the customer to confirm that the recipient's specified at least one account is an acceptable account for the specified amount to be transferred to and, upon confirmation, proceeding to perform step (d) with payment being made to the recipient's specified at least one account (paragraphs: 0032,0041,0047,0048).

Claim 58 is being rejected using the same rationale as claim 11.

Claim 59 is being rejected using the same rationale as claim 13.

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Claim 60 is being rejected using the same rationale as claim 11.

Claim 61 is being rejected using the same rationale as claim 15.

Claim 62 is being rejected using the same rationale as claim 16.

Claim 63 is being rejected using the same rationale as claim 16.

Claim 66 is being rejected using the same rationale as claim 14.

Claim 67 is being rejected using the same rationale as claim 14

Regarding claim 69, Kwan discloses A communications network for use in a system for facilitating payment via the communications network using value accredited to a customer of an operator of the communications network, the communications network operable to transmit a communications message between the customer and a payments facilitator, receive instructions from the payments facilitator to debit an amount to be paid to the recipient from the customer's at least one account and receive instructions to credit the amount to be paid to the recipient to the payments facilitator at least one account, the payments facilitator thereafter operating to make payment to the recipient equal to the amount credited (claim 1; paragraphs: 0019,0023,0032,0041,0047,0048). However, Kwan does not disclose the communications network associated with a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the payments facilitator have at least one account recorded therewith. Glikman discloses the communications network associated with a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the payments facilitator have at least one account recorded therewith

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(paragraph 0069; Fig 13: 910). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kwan's invention to include the communications network associated with a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the payments facilitator have at least one account recorded therewith. One of ordinary skill in the art would have been motivated to include the communications network associated with a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the payments facilitator have at least one account recorded therewith in order to ensure that all parts of the billing process are available on one network.

Claim 70 is rejected using the same rationale as claim 5.

Regarding claim 71, Kwan discloses a communications network for use in a system for facilitating payment via the communications network using value accredited to a customer of an operator of the communications network, the communications network operable to transmit a communication message between the customer and a payments facilitator, transmit a further exchange of communication messages between payments facilitator and recipient and, thereafter, operable to receive instructions from the payments facilitator to debit an amount to be paid to the recipient from the customer's at least one account as determined from the further exchange of communication messages and receive instructions to credit the amount to be paid to the recipient as determined by the further exchange of communication messages to the recipient's at least one account (claim 1; paragraphs: 0019,0023,0032,0041,0047,0048

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). However, Kwan does not disclose the communications network associated with a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and a recipient have at least one account recorded therewith. Glikman discloses the communications network associated with a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the payments facilitator have at least one account recorded therewith (paragraph 0069; Fig 13: 910). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kwan's invention to include the communications network associated with a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the payments facilitator have at least one account recorded therewith. One of ordinary skill in the art would have been motivated to include the communications network associated with a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the payments facilitator have at least one account recorded therewith in order to ensure that all parts of the billing process are available on one network.

Claim 72 is being rejected using the same rationale as claim 10.

Claim 73 is being rejected using the same rationale as claim 10.

Regarding claim 76, Kwan discloses a system for facilitating payment via a communications network using value accredited to a customer of the communications network substantially as described herein with reference to the drawing (claim 1)

Claim 77 is being rejected using the same rationale as claim 76.

Claim 78 is being rejected using the same rationale as claim 76.

Claim 79 is being rejected using the same rationale as claim 76.

5. Claims 16, 40 are being rejected under 35 U.S.C. 103(a) as being unpatentable over Kwan in view of Official Notice.

Regarding claim 16, Kwan discloses a system for facilitating payment according to claim 14 or claim 15 where the payments facilitator identifies the recipient by comparing a unique merchant identifier embodied in the communications message, associated with the destination address, or included within the destination address, as appropriate (paragraphs: 0012,0021). However, Kwan does not disclose against unique merchant identifiers stored in a merchant look-up table, each unique merchant identifier in the merchant look-up table being associated with further information in respect of the merchant. Official Notice is taken that a merchant look-up table, each unique merchant identifier in the merchant look-up table being associated with further information in respect of the merchant is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kwan's invention to include unique merchant identifiers stored in a merchant look-up table, each unique merchant identifier in the merchant look-up table being associated with further information in respect of the merchant. One of ordinary skill in the art would have been motivated to include unique merchant identifiers stored in a merchant look-up table, each unique merchant identifier in the merchant look-up table being associated with

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further information in respect of the merchant in order to ensure that the corresponding merchant is properly compensated.

Claim 40 is being rejected using the same rationale as claim 16.

6. Claims 17-20, 41-44, 64-65,74 are being rejected under 35 U.S.C 103(a) as being unpatentable over Kwan in view of Glikman and further in view of U.S Patent 6,173,171 to Plush et al, herein referred to as Plush.

Regarding claim 17, Kwan discloses a system for facilitating payment according to any preceding claim. Kwan however does not disclose instructions to the billing system to debit the amount to be paid takes the form of a command representative of the customer having initiated a communication using the first communication device having a tariff rate closest to the amount to be paid to the recipient. Glikman discloses instructions to the billing system to debit the amount to be paid takes the form of a command representative of the customer having initiated a communication using the first communication device (paragraph 0069, Fig 13: 910). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kwan's invention to include instructions to the billing system to debit the amount to be paid takes the form of a command representative of the customer having initiated a communication using the first communication device. One of ordinary skill in the art would have been motivated to include instructions to the billing system to debit the amount to be paid takes the form of a command representative of the customer having initiated a communication using the first communication device in order to ensure that all parts of the billing process are available on one network. Plush discloses a tariff rate



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closest to the amount paid to the recipient (column 6, lines 7-13). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kwan's invention to include discloses a tariff rate closest to the amount paid to the recipient. One of ordinary skill in the art would have been motivated to include a tariff rate closest to the amount paid to the recipient in order to ensure that the mobile phone provider is fully compensated.

Regarding claim 18, Kwan discloses:

A system for facilitating payment via a communications network using value accredited to a customer of an operator of the communications network, the system comprising (claim 1).

A first communications device owned and/or operated by the customer, the first communications device operable via the communications network; a recipient (paragraph 0019)

A payment facilitator (paragraph 0026);

However Kwan does not disclose a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the recipient having at least one account recorded with the billing system. Glikman discloses a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the recipient having at least one account recorded with the billing system (paragraph 0069, Fig 13: 910). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to

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modify Kwan's invention to include discloses a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the recipient having at least one account recorded with the billing system. One of ordinary skill in the art would have been motivated to include disclosing a billing system operable to provide billing functions to the operator for use of the communications network, both the customer and the recipient having at least one account recorded with the billing system in order to ensure that the entire payment process through the communications network runs efficiently. Kwan further discloses where, when the payments facilitator receives a communications message from the customer, the communications message being sent by means of the first communications device (paragraph 0012, Fig 13: 910). However Kwan does not disclose issuing an instruction to the billing system in the form of a command representative of the customer having initiated a communication using the first communication device having a tariff rate closest to the amount to be paid to the recipient and operates to issue an instruction to the billing system in the form of a command representative of the recipient having made a payment to the operator equal to the amount to be paid to the recipient.

Glikman discloses instructions to the billing system in the form of a command representative of the customer and recipient having initiated a communication using the first communication device and having made a payment to the operator equal to the amount to be paid to the recipient (paragraph 0069, Fig 13: 910). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kwan's invention to include instructions to the billing system in the form of a command

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representative of the customer and recipient having initiated a communication using the first communication device and having made a payment to the operator equal to the amount to be paid to the recipient. One of ordinary skill in the art would have been motivated to include instructions to the billing system in the form of a command representative of the customer and recipient having initiated a communication using the first communication device and having made a payment to the operator equal to the amount to be paid to the recipient in order to ensure that the payment is made in a timely manner. Plush discloses a tariff rate closest to the amount paid to the recipient (column 6, lines 7-13). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kwan's invention to include discloses a tariff rate closest to the amount paid to the recipient. One of ordinary skill in the art would have been motivated to include a tariff rate closest to the amount paid to the recipient in order to ensure that the mobile phone provider is fully compensated.

Regarding claim 19, Kwan discloses a system for facilitating payment according to claim 17 or claim 18, and the payments facilitator (paragraph 0069; Fig13: 910). However, Kwan does not disclose the communication having a tariff rate closest to the amount to be paid to the recipient by referring to a tariff look-up table comprising details of at least one communication tariff rate presently set by the operator. Plush discloses the communication having a tariff rate closest to the amount to be paid to the recipient by referring to a tariff look-up table comprising details of at least one communication tariff rate presently set by the operator (column 6, lines 7-13; Fig 2: 26). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to

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modify Kwan's invention to include the communication having a tariff rate closest to the amount to be paid to the recipient by referring to a tariff look-up table comprising details of at least one communication tariff rate presently set by the operator. One of ordinary skill in the art would have been motivated to include the communication having a tariff rate closest to the amount to be paid to the recipient by referring to a tariff look-up table comprising details of at least one communication tariff rate presently set by the operator in order to ensure the mobile phone provider is fully compensated.

Claim 20 is being rejected using the same rationale as claim 19.

Claim 41 is being rejected using the same rationale as claim 17.

Claim 43 is being rejected using the same rationale as claim 19.

Claim 44 is being rejected using the same rationale as 19.

Regarding claim 64, Kwan discloses a method of facilitating payment via a communications network using value accredited to a customer of the communications network, the method comprising the steps of (claim 1) receiving a communications message from the customer sent by means of a first communications device operable via the communications network (paragraph 0032). However, Kwan does not disclose (b) instructing a billing system operable to provide billing functions to the operator for use of the communications network in the form of a command representative of the customer having initiated a communication using the first communication device having a tariff rate closest to the amount to be paid to the recipient; and (c) instructing the billing system in the form of a command representative of the recipient having made a

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payment to the operator equal to the amount to be paid to the recipient. Glikman discloses instructing a billing system operable to provide billing functions to the operator for use of the communications network ; and (c) instructing the billing system in the form of a command representative of the recipient having made a payment to the operator equal to the amount to be paid to the recipient (paragraph 0069, Fig 13: 910).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kwan's invention to include a billing system operable to provide billing functions to the operator for use of the communications network; and (c) instructing the billing system in the form of a command representative of the recipient having made a payment to the operator equal to the amount to be paid to the recipient.

One of ordinary skill in the art would have been motivated to include a billing system operable to provide billing functions to the operator for use of the communications network; and (c) instructing the billing system in the form of a command representative of the recipient having made a payment to the operator equal to the amount to be paid to the recipient in order to ensure that all parts of the billing process are available on one network. However, Kwan does not disclose an operator for use of the communications network in the form of a command representative of the customer having initiated a communication using the first communication device having a tariff rate closest to the amount to be paid to the recipient. Plush discloses an operator for use of the communications network in the form of a command representative of the customer having initiated a communication using the first communication device having a tariff rate closest to the amount to be paid to the recipient (column 6, lines 7-13; Fig 2:

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26). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kwan's invention to include an operator for use of the communications network in the form of a command representative of the customer having initiated a communication using the first communication device having a tariff rate closest to the amount to be paid to the recipient. One of ordinary skill in the art would have been motivated to include an operator for use of the communications network in the form of a command representative of the customer having initiated a communication using the first communication device having a tariff rate closest to the amount to be paid to the recipient in order to ensure that the mobile phone provider is fully compensated.

Claim 65 is being rejected using the same rationale as claim 19.

Claim 74 is being rejected using the same rationale as claim 19.

7. Claims 24-25,48-49,68,75 are being rejected under 35 U.S.C 103(a) as being unpatentable over Kwan in view of Glikman and further in view of Official Notice.

Regarding claim 24, Kwan discloses a system for facilitating payment according to any preceding claim. However, Kwan does not disclose an operation to instruct the billing system to debit the amount to be paid to the recipient to the identified recipient's at least one account. Glikman discloses an operation to instruct the billing system to debit a further amount from the customer's (paragraph 0069, Fig 13: 910). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kwan's invention to include an operation to instruct the billing system to debit a

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further amount from the customer's. One of ordinary skill in the art would have been motivated to include an operation to instruct the billing system to debit a further amount from the customer's in order to ensure that all parts of the billing process are available on one network. Kwan does not disclose an account representative of commission and/or transaction costs. Official Notice is taken that commission and transactions pertaining to accounts are old and well known in the art. One of ordinary skill in the art would have been motivated to include that commission and transactions pertaining to accounts in order to ensure that the service provider is properly compensated.

Claim 25 is being rejected using the same rationale as claim 24.

Claim 48 is being rejected using the same rationale as claim 24.

Claim 49 is being rejected using the same rationale as claim 24.

Claim 68 is being rejected using the same rationale as claim 24.

Claim 75 is being rejected using the same rationale as claim 24.

### **CONCLUSION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD Z. SHAIKH whose telephone number is (571)270-3444. The examiner can normally be reached on Monday-Friday (7:30-5); alt Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Z. S./  
Examiner, Art Unit 3696  
2/14/2008

Mohammad Z Shaikh  
Examiner  
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/Daniel S Felten/  
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